

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 05-3614

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TYSON ALAN DITCH,

Appellant

v.

JAMES L. GRACE

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On Appeal from the United States District Court  
for the Western District of Pennsylvania  
(D.C. Civil No. 04-cv-00164E)  
District Judge: Hon. Sean J. McLaughlin

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Argued October 25, 2006

BEFORE: SMITH, FISHER and COWEN, Circuit Judges

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JUDGMENT

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This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was argued on October 25, 2006. On consideration whereof, it is now here ordered and adjudged that the judgment of the District Court entered on June 29, 2005, be and the same hereby is affirmed. All of the

above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron

Clerk

DATED: 1 March 2007

The seal of the United States Court of Appeals for the Third Circuit is circular. It features an eagle with spread wings perched atop a shield. The shield is divided into sections, with a constellation of stars in the upper left. The words "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" are inscribed around the perimeter of the seal.  
Certified as a true copy and issued in lieu  
of a formal mandate on April 3, 2007

Teste: *Marcia M. Waldron*  
Clerk, U.S. Court of Appeals for the Third Circuit